

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**REGIS INSURANCE COMPANY,**

**Plaintiff,**

**V.**

**P&C GROCERS, INC.,  
CHARLES PARKER, and  
CECILIA GIBBS,**

## Defendants

**CIVIL ACTION NO.  
1:06-cv-125-MEF**

## MOTION FOR LEAVE TO RESPOND TO SUPPLEMENT

COME NOW Defendants P&C Grocers, Inc. (“P&C”), and Charles Parker (“Parker”) and file this Motion for Leave to Respond to the Supplement filed by Regis Insurance Company (“Regis”), and as grounds say as follows:

1. Regis filed its Motion for Summary Judgment on August 7, 2006. See Doc. # 13. P&C and Parker filed their Response on August 29, 2006. See Doc. # 17. Regis filed its Reply on September 8, 2006. See Doc. # 19.
2. Regis filed a Motion for Leave to Supplement and a Supplement to Its Reply in Support of Motion for Summary Judgment on November 13, 2006. See Doc. # 20.
3. The Court allowed the Supplement on November 15, 2006. See Doc. # 22.
4. P&C and Parker would be prejudiced without the opportunity to respond to Regis' Supplement and redirect the Court's attention to the fundamental issues of jurisdiction, ripeness, and discretion at issue in this case, and to rebut the idea that there has already been a finding that Regis owes no duty P&C and Parker.

WHEREFORE, PREMISES CONSIDERED, P&C and Parker respectfully request leave from the Court to file the attached Response to Regis's Supplement.

Respectfully submitted this 22<sup>nd</sup> day of November, 2006.

s/ James Douglas McElvy  
James Douglas McElvy (MCE006)  
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Charles Parker

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**CERTIFICATE OF SERVICE**

I certify that on November 22, 2006, the foregoing was electronically filed with the Clerk of the Court of the Middle District of Alabama using the CM/ECF system which will send notification of such filing and/or that a copy of the foregoing has been served by United States Mail, properly addressed and postage prepaid to the following:

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